process to get this done. Many thousands of Americans have worked for chemical safety reform over the last four decades. I am thanking you for not giving up.

My dad always said—and Senator MCCAIN knew my father Stewart Udall—''Get it done, but get it done right.'' And today I can say that not only did we get it done, but we got it done right. Let's not forget, this is just one step in the process. We must find a way to work collaboratively as we turn to the next step—implementation. Implementation needs to be done and needs to be done right.

I look forward to working with all of these members and groups to ensure we have a strong, workable chemical safety program.

Thank you, Senator MCCAIN. I am sorry if this went longer than you expected. I know my Uncle Mo is looking down and saying thank you to you and my father Stewart and the long relationship you have had with the Udall family and the chapters in your books about Mo Udall and that relationship. So thank you so much, and I thank also Ranking Member JACK REED for his patience. I know the hour is getting late. Thank you so much.

I yield the floor.

Mr. MCCAIN. Will the Senator yield?

I just wonder if there is anyone left in America whom he has not thanked.

Mr. UDALL. I did my best.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017—Continued

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 4549 TO AMENDMENT NO. 4229

Mr. REED. Mr. President, I call up amendment No. 4549 to McCain amendment No. 4229, and I ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 4549 to amendment No. 4229.

The amendment is as follows:

(Purpose: To authorize parity for defense and nondefense spending pursuant to the Bipartisan Budget Act of 2015)

At the end, add the following:

SEC. 1513. OTHER OVERSEAS CONTINGENCY OPERATIONS MATTERS.

(a) ADJUSTMENTS.—Section 101(d) of the Bipartisan Budget Act of 2015 (Public Law 114–74; 129 Stat. 587) is amended—

(1) by striking paragraph (2)(B) and inserting the following:

''(B) for fiscal year 2017, $76,798,000,000.''; and

(2) by inserting after paragraph (2) the following:

''(3) For purposes authorized by section 1513(b) of the National Defense Authorization Act of 2017, $18,000,000,000.''.

(b) ADDITIONAL PURPOSES.—In addition to amounts already authorized to be appropriated or made available under an appropriation Act making appropriations for fiscal year 2017, there are authorized to be appropriated for fiscal year 2017—

(1) $2,000,000,000 to address cybersecurity vulnerabilities, which shall be allocated by the Director of the Office of Management and Budget among nondefense agencies;

(2) $1,100,000,000 to address the heroin and opioid crisis, including funding for law enforcement, treatment, and prevention;

(3) $1,900,000,000 for budget function 150 to implement the integrated campaign plan to counter the Islamic State of Iraq and the Levant, for assistance under the Food for Peace Act (7 U.S.C. 1721 et seq.), for assistance for Israel, Jordan, and Lebanon, and for embassy security;

(4) $1,400,000,000 for security and law enforcement needs, including funding for—

(A) the Department of Homeland Security—

(i) for the Transportation Security Administration to reduce wait times and improve security;

(ii) to hire 2,000 new Customs and Border Protection Officers; and

(iii) for the Coast Guard;

(B) law enforcement at the Department of Justice, such as the Federal Bureau of Investigation and hiring under the Community Oriented Policing Services program; and

(C) the Federal Emergency Management Agency for grants to State and local first responders;

(5) $3,200,000,000 to meet the infrastructure needs of the United States, including—

(A) funding for the transportation investment generating economic recovery grant program carried out by the Secretary of Transportation (commonly known as ''TIGER grants''); and

(B) funding to address maintenance, construction, and security-related backlogs for—

(i) medical facilities and minor construction projects of the Department of Veterans Affairs;

(ii) the Federal Aviation Administration;

(iii) rail and transit systems;

(iv) the National Park System; and

(v) the HOME Investment Partnerships Program authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.);

(6) $1,900,000,000 for water infrastructure, including grants and loans for rural water systems, State revolving funds, and funds to mitigate lead contamination, including a grant to Flint, Michigan;

(7) $3,498,000,000 for science and technology, including—

(A) $2,000,000,000 for the National Institutes of Health; and

(B) $1,498,000,000 for the National Science Foundation, the National Aeronautics and Space Administration, the Department of Energy research, including ARPA-E, and Department of Agriculture research;

(8) $1,900,000,000 for Zika prevention and treatment;

(9) $202,000,000 for wildland fire suppression; and

(10) $900,000,000 to fully implement the FDA Food Safety Modernization Act (Public Law 111–353; 124 Stat. 3885) and protect food safety, the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802), the Individuals with Disabilities Education Act (20 U.S.C. 1400), the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), and for college affordability.

Mr. REED. Mr. President, I look forward to a very thoughtful debate tomorrow. Senator MCCAIN has introduced an amendment that would increase spending with respect to the Department of Defense and related functions. In this amendment, we are proposing an additional increase in nondefense programs. I look forward to tomorrow.

I thank the chairman for his consideration through the process of this floor debate.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my friend from Rhode Island and look forward to vigorous debate on both the initial amendment and the second-degree amendment proposed by my friend from Rhode Island. I would like to engage in very vigorous debate on both, and hopefully, for the benefit of my colleagues, cloture on both will be filed by the majority leader and hopefully we can finish debate on it either late morning tomorrow or early afternoon, if necessary, so we can move on to other amendments.

Let's have no doubt about how important this debate and discussion on this amendment will be tomorrow. We are talking about $18 billion. In the case of the Senator from Rhode Island, I am sure there are numerous billions more as well. I think it deserves every Members' attention and debate.

I say to my friend from Rhode Island, I certainly understand the point of view and the position they have taken, and from a glance at this, it looks like there are some areas of funding that are related to national security that I think are supportable. There are others that are not, but we look forward to the debate tomorrow, and hopefully any Member who wants to be involved will come down and engage in this debate. We would like to wrap it up tomorrow because there are a number of other amendments pending.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, it was extraordinary to watch this bipartisan effort on TSCA.

An hour ago, Senator PETERS and I thought we were going to have floor time for some brief remarks. I would like to ask unanimous consent that Senator PETERS have the chance to address the issues he thought he was going to address, and he is going to be brief. I will go next. I will be brief. I ask unanimous consent that following Senator PETERS' remarks, I be allowed to address the Senate briefly.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Michigan.

AMENDMENT NO. 4138

Mr. PETERS. Mr. President, I rise to thank Chairman MCCAIN and Ranking Member REED for their support and for their help in passing the Peters amendment No. 4138 to the National Defense Authorization Act. I also would like to thank my colleagues Senators DAINES, TILLIS, and GILLIBRAND for joining me in this important bipartisan amendment. I would also like to thank all the

Members who cosponsored the amendment, including Senators TESTER, STABENOW, KIRK, SANDERS, STABENOW, BLUMENTHAL, BOXER, and Chairman MCCAIN.

We have far too many servicemembers who are suffering from trauma-related conditions such as post-traumatic stress disorder or traumatic brain injury. Unfortunately, many of these servicemembers have received a less-than-honorable discharge, also known as a bad paper discharge. These former servicemembers can receive bad paper discharges for misconduct that is often linked to behavior seen from those suffering from PTSD, TBI, or other trauma-related conditions. The effects of traumatic brain injury can include cognitive problems, including headaches, memory issues, and attention deficits. In addition to combat-sustained injuries, PTSD and TBI can also be the result of military sexual trauma.

Bad paper discharges make former servicemembers who are suffering from service-connected conditions ineligible for a number of the benefits they have earned and have become ineligible when they need them the most. These discharges put servicemembers at risk of losing access to VA health care and veterans homelessness prevention programs. This is completely unacceptable.

I would like to share a story of a former servicemember who shared his experience with my office in Michigan. This individual was deployed in Afghanistan in 2008 as a machine gunner. For his performance overseas, he received a number of awards, including the Combat Action Ribbon, Global War on Terrorism Service Medal, Navy Meritorious Unit Commendation, Afghanistan Campaign Medal, Sea Service Deployment Ribbon, and the National Defense Service Medal. When he returned home, he began suffering from agitation, inability to sleep, blackouts, and difficulties with comprehension.

He was scheduled to be evaluated for TBI. However, that evaluation never occurred. He began drinking to help himself sleep and received an other-than-honorable discharge after failing a drug test. Following his discharge, the VA diagnosed him with TBI, and he began treatment.

The VA later determined he was ineligible for treatment due to the character of his discharge, and his treatment ceased immediately. He was later evaluated by a psychologist specializing in trauma management who determined that the behavior that led to his discharge was the result of his TBI and PTSD.

He petitioned the Discharge Review Board for a discharge upgrade and presented the medical evidence of both TBI and PTSD. However, the Discharge Review Board considered his medical evidence to be irrelevant and his petition was denied.

This Michigander has since experienced periods of homelessness and has had difficulty maintaining a job. This is an example of someone who is suffering as a result of service to his country, and yet the VA denied his request for benefits on the basis of this discharge. The Discharge Review Board also denied his request to upgrade his discharge, despite his presenting clear evidence of his condition.

We must stop denying care to servicemembers with stories like this and start providing them with the benefits they deserve and earned through their service. We have a responsibility to treat those who defend our freedom with dignity, respect, and compassion.

Last year I introduced the Fairness for Veterans Act, and the Peters-Daines-Tillis-Gillibrand amendment that was unanimously accepted by this body is a modified version of that bill. The Peters amendment would ensure liberal consideration will be given to petitions for changes in characterizations of service related to PTSD or TBI before Discharge Review Boards.

The Peters amendment also clarifies that PTSD and TBI claims that are related to military sexual trauma should also receive liberal considerations. I would like to thank the many veterans service organizations that advocated tirelessly on behalf of this amendment and legislation.

I would like to recognize the Iraq and Afghanistan Veterans of America, Disabled Veterans of America, Military Officers Association of America, the American Legion, Paralyzed Veterans of America, Vietnam Veterans of America, Veterans of Foreign Wars, United Soldiers and Sailors of America, and Swords to Plowshares.

In addition to seeing strong support from these veteran services organizations, this has also been a bicameral effort. I would also like to thank Representative MIKE COFFMAN of Colorado and TIM WALZ of Minnesota, who introduced the companion bill in the House and are supportive of this amendment.

Servicemembers who are coping with the invisible wounds inflicted during their service and were subject to a bad paper discharge should not lose access to the benefits they have rightfully earned. That is why we must ensure that all veterans get the fair process they deserve when petitioning for a change in characterization of their discharge. The Peters amendment No. 4138 will do just that.

I am proud that today this body unanimously approved this important amendment that I authored with Senators DAINES, TILLIS, and GILLIBRAND. I look forward to working with my House colleagues to ensure this provision remains in the conference bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, as the Senate works on the Defense bill, it is important to note the shameful squandering of taxpayer money by a defense contractor accused of willfully exposing U.S. soldiers to toxic chemicals while they served in Iraq.

In 2003, courageous American soldiers, including members of Oregon's National Guard, were given the task of protecting workers of Kellogg Brown & Root, KBR, at the Qarmat Ali water treatment plant in southern Iraq. Some of these soldiers are suing KBR on the grounds that the contractor knowingly exposed them to dangerous carcinogenic substances such as sodium dichromate and hexavalent chromium. Many of these soldiers have reported serious illnesses, and at least one has already passed away at a surprisingly young age. KBR has fought this case, as is their right, and normally this would not be an issue for the Congress, but this is not a normal case because KBR isn't paying for the case. The American taxpayer is picking up the bill. KBR's contract with the Pentagon includes an indemnification clause. This, of course, is legalese that means that the U.S. taxpayer is on the hook not only for any damages incurred as a result of the contractor's actions but also for legal bills and administrative costs incurred during legal battles. It makes no difference if the contractor is at fault or not.

In this case KBR has run up exorbitant and wasteful legal bills in the course of its lengthy legal defenses against the soldiers' claims. The Pentagon, in essence, gave these contractors a blank check. Predictably, KBR has run very high legal fees, paying first-class airfare for lawyers, witnesses, and executives, secure in the knowledge that the taxpayer was picking up the tab.

Along with attorneys billing at $750 an hour, taxpayers are on the hook to pay at least one expert more than $600,000 for testimony and consultation and apparently time spent napping. Of course, there is no incentive for KBR to bring the legal cases to a conclusion. The lawyers can run fees until the cows come home because they know they will not have to pay a dime no matter how the case turns out.

Fortunately, in this indemnity case, and in others, there is a solution provided in the same contract. The contract empowers the Department of Defense to take over the litigation and look out for the interest of the American taxpayer who is footing the bill. For reasons that are hard to calculate, the Pentagon has refused to do this in the KBR case, despite my having urged several Secretaries of Defense to exercise this authority, and so the litigation continues with no end in sight. That is why I have filed amendment No. 4510 to the 2017 National Defense Authorization Act. The amendment directs the Department of Defense to exercise its contractual right to take over litigation for indemnified contractors in cases where the legal process runs more than 2 years. In doing so, it will bring the seemingly never-ending litigation to a timely resolution and save taxpayers from throwing good money after bad as the process drags on and on year after year.

The amendment isn't an attempt to relitigate the decision to indemnify contractors in the first place. What this commonsense amendment seeks to do is to make sure that the blank checks being picked up by taxpayers stop. This is critical because the government has an obligation to ensure that these legal bills don't cost the taxpayers any more than necessary, and certainly the American taxpayer does not need to be padding the pockets of the lawyers of the contractors.

I want to be clear: The amendment does not prejudice the outcome of the legal case in any way. It simply ensures that when the taxpayers pay the bill, the government that represents the American taxpayer is in control instead of a contractor's lawyer. It seems to me that the Senate owes that to the American taxpayer.

I urge my colleagues to support this amendment when it is considered later in the course of the day.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, when I was growing up in the Eastern Plains of Colorado, one of the things I was hoping to do after graduating from college and entering the workforce was to work in the space program. I desperately wanted to be an engineer—an astronaut. I wanted to live that dream that was played on the television when I was growing up and when there were movies such as ''The Right Stuff.'' When I was growing up in the mid-1980s, the movies they showed idealized the world of space exploration. I grew up idolizing the astronauts.

I can remember as a child writing a letter to the National Aeronautics and Space Administration, or NASA, and basically telling them that I was really interested in becoming an astronaut and how I could someday do that. Little did I know that my mom, all these years later, kept the response from NASA, and the letter had the old ''worm'' NASA logo on top. The response came with a picture of the most recent space shuttle mission, which included Sally Ride. Of course we know Sally Ride, the first female in the space shuttle program. I remember how excited I was to get that letter back.

Years later, I looked at the actual content of the letter and noted that they weren't necessarily quite as kind in confirming my aspirations when they laid out how difficult it would be to become a rocket scientist—to become an aerospace engineer and to go on and pursue that dream. Lo and behold, they were right. I ended up pursuing a different direction in college and beyond, but I always had great admiration and respect for the men and women of our space program.

Growing up on the Eastern Plains of Colorado was a fascinating experience. I learned how people ran their businesses and how today many of our tractors and combines rely on the very space programs that I was admiring. The roots of the space program that we saw in the 1970s and 1980s are being utilized today to steer tractors, satellite-guided equipment, to locate the best yield in a field through combines that use global positioning systems and precision farming data to better their operations. Of course, we have these debates today that remind me about those conversations. We have debates today over policy about how we are going to see the future of space, how we are going to see the future of security, how we are going to see the future of rocket launches in this country. It reminds me of the conversations that I had with those farmers in the Eastern Plains.

My family sells farm equipment today in a little, tiny town out by Kansas. Oftentimes farmers would come in and talk about how they would be more productive this year and what kind of equipment they needed to be tailor-made for their operation, how they could create a farming program with the farm equipment they would buy in order to have the right type of tractor, the right type of combine, or the right type of tillage equipment to meet the needs of their operation.

When they would come in and talk to us about what kind of farm equipment best fit their needs, they would look at what price range they had to deal with—what was more affordable or less affordable. They would look at the utility of a single piece of equipment. Could this tractor or combine meet all of their needs? Could it harvest corn and sunflowers? Could it harvest soybeans? Could it pick sunflower seeds? Could it pick up dried beans? Those are the conversations we would have.

What they didn't do was come in and say: Hey, I want to buy a piece of equipment that costs 35 percent more than any other piece of equipment and doesn't fit the needs of our operation. We sold red farm equipment. There may have been equipment that somebody would want to do that with, but the fact is this: When they came into our store, they wanted farm equipment that would fit their needs at the right price and was able to meet the demands of all of their operations so they wouldn't have to use a tractor for this field and a different tractor for that field or pay for a tractor that costs 35 percent more over here and a tractor that didn't fulfill all of their needs over there.

When I look at the debates today over the National Defense Authorization Act and how we are handling our Nation's rocket program, the EELV programs—the debate that has occupied this Congress for a number of years—I think back to the common sense of those farmers on the High Plains of Colorado because what is common sense on the High Plains is just plain sense in Washington, DC, and that is what we are facing during this debate over what rockets we are going to allow this country to use in the future. That is the argument that we are making today. It is an argument about competition, it is an argument about costs, and it is an argument about what is actually going to fulfill all of our needs in space and not leave us without the capability to meet our national security space missions. That is the critical part of what we are talking about today. Just as those farmers on the Eastern Plains did—they talked about the best fit for their mission to make sure they could plant their crops, to make sure they could get the crops out of the field and do it in an affordable manner so they would still be in operation the next year despite the fact that they had historically low commodity prices, just as we are facing a historically tight budget in the U.S. Congress.

What we are talking about is our national security. It is not about tractors in a field, and it is not about whether we are going to have the right combine. This debate is about national security space missions. This debate is about having the right kind of rocket to launch a critical mission that might include a satellite on top that is for missile launch detection, or perhaps it is a rocket that is going to put into orbit a device that will listen and provide opportunities for us to know what is happening across the world or across the United States. Maybe it is something that is related to that organization that I was so desperate to join, the National Aeronautics and Space Administration, NASA. Maybe it is the Dream Chaser from Sierra Nevada Corporation, which is attempting to build a vehicle that will be placed on top of one of the rockets that might be no longer available, should the current language of the National Defense Authorization Act move forward.

We have the same kinds of debates every day in our business, whether you are a farmer or a car dealer, but this is about our security, this is about our defense, and this is about our ability to provide competition in space, to provide rockets that compete for business, to provide rockets that are cost effective for their mission, to provide rockets for this country to meet those critical missions that we talked about that are reliable and have a proven record. That is what we are doing today, and that is why Senator BILL NELSON of Florida and I have together worked on amendment No. 4509 to make sure when it comes to our ability to reach space, to reach the orbits that we need to, we can do it in a cost environment that reflects the reality of budgets today and do it in a way that we know can be reliable. This amendment will address those concerns by peeling out the language of the National Defense Authorization Act to ensure competition, to ensure reliability, to ensure affordability, and to assure that those agencies such as NASA or perhaps USGS and other agencies that are relying on space more and more have the ability and capacity to reach the orbits they are trying to reach.

The Nelson-Gardner amendment assures competition. That is something we have all agreed is critically important as we look to the future of our space and launch programs. This addresses the certification of the Evolved Expendable Launch Vehicle, the EELV program that I mentioned before, to make sure that a provider can be awarded a national security launch for one of these critical missions by using any launch vehicle in its inventory.

Why is that important? Because we need to make sure that the U.S. Government has the ability to receive the best value. It is the same conversation those farmers were having about what farm equipment they were going to use back home, except this is a critical national security space mission.

If we prevent this language from being removed or if we don't allow the Nelson-Gardner amendment to move forward, then it is going to be very difficult for us to have that competition. For instance, you are looking at the possibility that a rocket we are using right now known as the Atlas V rocket, which has never failed, would be forced to bid for future rocket missions; that is, United Launch Alliance, which makes the Atlas V rocket right now, would be forced to bid using more expensive Delta forerunners. To be expensive is one thing, but to cost 35 percent more than what we already have today is missing that common sense that I talked about on the High Plains of Colorado.

This amendment will make sure that we abide by the request of the U.S. Air Force, which is concerned that if we allow the provision of the National Defense Authorization Act to move forward today, that would bar our ability to use certain rocket engines; that if the Atlas V, which relies on this rocket engine, is banned prematurely from DOD's use, that alternative—which means they would have to use that Delta IV rocket—would cost an additional $1.5 to $5 billion more versus simply relying on the proven and effective rocket that we have today.

I think everybody in this Chamber agrees that we can move to a different rocket than the Atlas V, which relies on the engine prohibited under the act. Everybody agrees with that, but what they don't agree with is the fact that we would spend $1.5 billion more to achieve this goal.

We are going to be debating very soon an amendment that will add $18 billion and put that money into our defense because people are concerned that we have a dwindling capacity in our military to meet the needs around the globe for U.S. national security needs; that our men and women in uniform don't have the dollars they need to fix the equipment they are relying upon.

This Chamber is going to be voting on putting more money into national defense. Allowing the language that is currently in the bill would bar our ability to use this engine in an existing rocket, and it would cost $1.5 billion more. The fiscally responsible thing to do is to allow for competition, to allow this rocket to continue to be used, to allow this engine to continue to be used as we transition out of this engine and in a few years to have a different type of engine and different type of rocket that they are working on right now. And in a few years we will have it. To say that we are going to change and eliminate competition today, we are going to drive up costs by 35 percent, and we are going to turn to a rocket that can't meet all the orbits, can't meet all our needs, and doesn't have the track record of the Atlas V—that is the definition of irresponsibility.

Adding $1.5 billion to $5 billion of cost and also eliminating competition is not what I think this place should stand for. The Senate should stand for competition. We should achieve what remarkable changes we have seen in the space program, as more people are entering into the rocket market. We have seen new entrants into rocket launchers—and that is what we are talking about today—to continue the competition, not lessen the competition by eliminating it, taking offline models of rockets and then spending $5 billion more.

We have already talked about the farmer sitting in the field. If he has a combine that could cost 35 percent more but does the same job as the one that cost 35 percent less, which one is he going to choose? Which one would his banker want him to choose? The American people would want us to go with what is proven and what is reliable. Let's transition off of it—you bet—but not at an increased cost to our defense of $1.5 billion to $5 billion more.

To support this amendment and the rocket competition that this Nation deserves is what is fiscally conservative. The pro-competition position ensures that the U.S. Air Force and National Aeronautics and Space Administration will have access to space. It is about meeting the needs of those in our Air Force, NASA, and others who have said that we need this critical mission.

As General Hyten testified before this Congress, the Department of Defense will incur additional costs to reconfigure missions to fly on a different rocket—the Delta IV we have been talking about and the Delta IV Heavy—because the competitor to the Atlas V doesn't have a rocket as capable as the Atlas V and can fly to only half of the necessary orbits.

In 2015 and 2016, the Air Force and the Defense Department leadership testified to the need for additional RD–180 engines—that is the engine that we have been talking about that is stripped out of the Atlas V, ending the Atlas V program—to compete for launches and to assure that the United States doesn't lose assured access to space, making sure we can get to where we need to go to place a satellite in the orbit it needs to be in to provide security for this country. We can do it with a reliable system at an affordable cost.

We talked about competition. The Nelson-Gardner amendment promotes competition by allowing the Defense Department to contract for launch services with any certified launch vehicle until December 2022, allowing competition to 2022 and transitioning out of the RD–180 so that we can have more competition in the future.

The language we have been discussing—I believe it is section 1036 or 1037 of the National Defense Authorization Act—eliminates this competition. It puts an end to it by ending the use of these engines and basically taking out the Atlas V rocket. The Atlas V, again, is the United States' most cost effective and capable launch vehicle.

According to the Congressional Research Service, the Atlas V rocket, which is powered by the RD–180 engine, has had 68 successful Atlas V launches since 2000. The Atlas V has never experienced a failure. When talking about competition, cost, reliability, and putting a satellite on top of a rocket—where many times that satellite costs more than the rocket itself—we can't afford a failure from a fiscal standpoint, and we certainly can't afford a failure from a security standpoint. That is why we need reliability and a proven track record.

This debate is complicated. People for years have talked about the Atlas V, the Delta IV, and the Falcon 9. People ask: What does it all mean, which engine do we use, how do we transition, and why did we end up in this position in the first place?

There are a lot of people who have come to the floor on different issues, saying it is not rocket science, but, indeed, today we are talking about rocket science and the need to have an Atlas V rocket that provides competition, reliability, and the opportunity for the United States to meet our national security needs.

Without the Nelson-Gardner amendment, the underlying language of the National Defense Authorization Act legislates a monopoly. It creates a monopoly with the Evolved Expendable Launch Vehicle Program, or EELV, because only one company would be allowed to fairly compete. While we have all committed to competition and we all have said we are going to transition away from this rocket engine, we actually would be passing legislation that would create a legislative monopoly. That is not plain common sense; that is nonsense.

It is important to note that the Department of Defense isn't the one that is buying these rocket engines in the first place. The Department of Defense buys the launch services. The Nelson-Gardner amendment would allow United Launch Alliance and others to compete for missions with the Atlas V. The ULA is competing with the Atlas V. Others could be competing as well. If the ULA does not win the competition, the Department of Defense will

not be using the RD–180 engine. It makes sense to me.

Promoting this open and fair competition to get the best deal for the taxpayers of this country—to get the best deal for national security needs in this country—is the fiscally responsible path forward and allows the DOD to achieve those priorities. It allows the Air Force to reach the space that they need to. It is not just the Air Force; it is the Secretary of Defense, the Director of National Intelligence, the Secretary of the Air Force, Commander of the U.S. Space Command, the Air Force teaching staff, and many others who have testified before this Congress in support of continued use of the RD–180 rocket engine until a new domestic engine is certified for national security space engines. Compared to the Delta IV, the Atlas V can reach every national security space mission that we need with certified, 100-percent reliability from the Atlas V. We don't have that anywhere else.

It has been made clear by the Secretary of Defense, the Director of National Intelligence, the Secretary of the Air Force, and the Commander of Space Command that ensuring America's access to space is an issue of national security, as well as protecting the taxpayers' dollars that are already so scarce in the defense budget. Why would we add an additional $1 billion in cost by eliminating competition when we ought to be doing the exact opposite?

The Nelson-Gardner amendment promotes national security by assuring reliable access to space that we talked about, to make sure that we have a certified launch service available with a proven track record. The Atlas V rocket is one of the most successful rockets in American history. Since 2000, we have had 68 consecutive successful launches with zero failures, according to the Congressional Research Service. That is a 16-year track record.

According to the Department of Defense—and this is important—if Atlas V restrictions are imposed, certain missions would sustain up to 2½ years of delay.

We have threats emerging around the globe. This past week I had the opportunity to visit South Korea. We met with General Brooks, and we talked about the need this country has in assuring a denuclearized Korean peninsula to make sure that North Korea doesn't possess the capability to launch a nuclear weapon that could hit the mainland of the United States. That is not something that can wait year after year because we made a decision that costs the taxpayer more and lessens our capacity and capability of going into space.

In fact, what I heard from General Brooks and from others in South Korea is that our intelligence needs and requirements in North Korea are only increasing. So why would we decrease competition? Why would we decrease access to space? Why would we increase costs when our security needs are growing?

The Nelson-Gardner amendment assures that we have this access because we know if there is a 2½-year delay, not only does that prevent us from putting important assets into space, it will also drive up costs. The space-based infrared system, SBIRS, warning satellites designed for ballistic missile detection from anywhere in the world, particularly countries such as North Korea, would be delayed. The Mobile User Objective System and Advanced Extremely High Frequency satellite systems that are designed to deliver vital communications capabilities to our armed services around the world would both be delayed.

According to a letter dated the 23rd of May from the Deputy Secretary of Defense, ''losing/delaying the capability to place position and navigation, communication, missile warning, nuclear detection, intelligence, surveillance, and reconnaissance satellites in orbit would be significant.''

Challenges to our freedom around the globe in the Middle East, North Korea, along with what is happening in Southeast Asia and the radicalization occurring in certain countries mean we can't afford delay. We can't afford cost increases. It is not just the defense bill. It is not just the Secretary of the Air Force. It is these agencies that we have also talked about tonight, like NASA.

The Nelson-Gardner amendment supports our civil space missions by ensuring access and allowing Federal Government agencies to contract any certified launch service provider because many of those missions that are critical to NASA's success outside of the DOD are designed to fly atop an Atlas V rocket. According to the Wall Street Journal, while the underlying NDAA language only directly impacts the Department of Defense, the result ''is likely to raise the price of remaining NASA missions because massive overhead costs would have to be spread across fewer launches.''

That goes back to the conversation about buying one piece of equipment, not a separate combine to harvest corn, a separate combine to harvest wheat, a separate combine to pick up beans. Buy one combine with different attachments, and you can do it all. That is what we are trying to do to make sure that we have the capability in the equipment because if there is a NASA mission and they are placing a Dream Chaser on top of it, or if you are placing something to do with the Orion mission, which is designed to be on top of the Atlas V, you are going to drive up the costs. You have the costs being driven up by the rocket because there are higher costs being spread across fewer agencies. You have a higher cost because you have to redesign the Orion and the Dream Chaser to fit the new rocket. You are going to be delayed, possibly, because of those changes, and it is going to result in higher costs.

So we have a responsibility to the American people in how we transition away from the RD–180 engine while ensuring reliability, access, and maintaining competition. It is by keeping the Atlas V.

At a Senate Appropriations Committee hearing on March 10, NASA Administrator Bolden highlighted the need for the Atlas V by stating, ''We are counting on ULA being able to get the number of engines that will satisfy requirements for NASA to fly.'' That is not a congressional staffer making it up in the back room of the mail office; that is the Administrator of NASA. He went on to talk about the mission's impact. He talked about the Dream Chaser, which was recently awarded a cargo resupply services contract. This isn't pie-in-the-sky kind of stuff; this is a company that has already been awarded a cargo resupply service contract to supply the International Space Station.

The Dream Chaser was designed to fly atop the Atlas V rocket. The language in the NDAA would strip this ability to use that rocket. Our amendment, the Nelson-Gardner amendment, would allow us to use the commonsense approach, to use that plain sense that I talked about.

Michael Griffen, former NASA Administrator, weighed in on the issue, stating:

> A carefully chosen committee led by Howard Mitchell, United States Air Force, Retired, made two key recommendations in the present matter: 1. Proceed with all deliberate speed to develop an American replacement for the Russian RD–180 engine [and we agree], and while that development is being carried out, buy all the RD–180s we can to ensure that there is no gap in U.S. access to space for national security payloads. I see no reason to alter those recommendations.

We are talking about a hard stop of 2022 so that we can replace the rocket with our own. But in the meantime, let's use some common sense. Let's make sure we are saving the taxpayer dollars. Let's make sure we are not putting an additional cost—pulling $1.5 billion out of our defense budget to cover something that we can already do, when their resources are already far too scare. Let's make sure we have a reliable platform to reach all of the orbits we need to, a platform that has had 68 consecutive launches to achieve the mission needs. This is high-risk stuff. I mentioned as a kid growing up in the Eastern Plains of Colorado how fascinated I was with this rocket science.

I believe this body has a responsibility to adopt the Nelson-Gardner amendment to assure that we can protect our people fiscally and from a defense standpoint. So later this week, as we debate and offer amendment 4509, I hope and encourage everyone to do what is fiscally responsible, to promote competition, to promote access and reliability from the DOD to NASA by adopting the Nelson-Gardner amendment.

I yield the floor.

Mr. MERKLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from New Jersey.

Mr. BOOKER. Mr. President, I rise today to speak about amendment No. 4083, submitted by a dear friend and respected colleague of mine from New Hampshire whom I must in good faith disagree with. This amendment increases already existing mandatory minimum sentences on offenses related to fentanyl and would not make our communities safer. It would redirect funds away from the kinds of investments we need to truly end the opioid abuse and heroin use epidemic.

Today we face a deadly reality, a community-shattering reality—an opioid epidemic in America. I know what this epidemic is doing to our communities.

In my home State of New Jersey, the heroin death rate is more than three times the national average. The heroin overdose rate in New Jersey now eclipses that of homicides, suicides, car accidents, and AIDS as a leading cause of death. Over the past 10 years, we have lost over 1,500 people under the age of 30 to heroin overdoses in New Jersey alone.

I know that nationally death rates from prescription opioid overdoses have tripled in the last 20 years. I know that the opioid epidemic knows no bounds. It crosses geographic lines, economic lines, and racial lines. This is an epidemic that is tearing apart families, individuals, and communities.

This is an American epidemic, but this amendment is not part of the solution.

First of all, mandatory minimums themselves have proven to be ineffective in making us a safer Nation and stopping the drug war.

Secondly, this amendment and ones like it will divert critical resources that could be, that should be, that must be invested in real solutions, in supporting preventive and education efforts, in supporting law enforcement, in supporting treatment programs.

We have seen a rush like this toward mandatory minimums before. In the 1980s and 1990s, we piled on mandatory minimum sentences and ''three strikes and you're out'' laws in response to the growing drug problem in the United States, but these laws did not prevent this epidemic. It didn't work then, and there is no reason to expect it to work now.

What did the war on drugs do? Well, it increased our Federal prison population by 800 percent since 1980 alone.

The laws ended up increasing the costs in our Federal prison system from $970 million annually in 1980 to $6.7 billion in 2013, a close to 600-percent increase in the use of taxpayer dollars.

According to Pew, the Federal prison system uses $1 in $4 spent by the Department of Justice. This is unacceptable.

In fact, in my first meeting with then-Attorney General Eric Holder in his office after I was elected Senator, he shared with me how the Bureau of Prisons budget had become so bloated that he had limited resources to put toward other Department of Justice programs—initiatives such as hiring FBI officers and support for programs that we actually know will make our communities safer.

What is more, these laws did not work. They didn't target those whom they were supposed to target. Mandatory minimum sentences weren't responsible for reducing crime. The work of law enforcement and the utilization of data-driven policies are what have done that. A report from the Brennan Center found that ''increased incarceration has been declining in its effectiveness as a crime control tactic for 30 years. Its effect on crime rates since 1990 has been limited, and has been non-existent since 2000.''

Experts have found that mandatory minimum sentences have no demonstrable marginal effect on deterring crime, and it is also the reason why police leadership across the country are speaking out against increasing these mandatory minimums. Former New York Police Commissioner Bernie Kerik spoke out earlier this year to say: ''The reality is that the federal mandatory minimum sentences established in the early 1980's has had little, if anything, to do with the various state and city violent crime and murder statistics in America.''

I know this. I ran a police department as a mayor and oversaw the functioning of an incredible group of professionals. Had we had more resources from the Federal Government—instead of going to mandatory minimums—to actually hire more police officers, to put more of them in the streets, had we had more resources for drug treatment, had we had more resources for doing things such as reentry programs, we could have better fought crime, rather than wasting more money on ineffective mandatory minimum sentences.

Since 1990, as the onslaught of these mandatory minimums have come, illegal drug use in the U.S. has actually increased.

To pay for the overincarceration explosion, Congress has increased spending on Federal prisons by 45 percent since 1998. But over that same period, Congress has cut spending on State and local law enforcement by 76 percent. In fiscal year 2015, the Federal Government spent over $2.3 billion warehousing people who received lengthened mandatory minimums, and that is money that could be invested elsewhere.

Mandatory minimums, if we remember our history, were created to go after drug kingpins. However, the U.S. Sentencing Commission has found that they too often apply to every function within a drug organization, from mules and couriers to low-level street offenders. By the way, when low-level offenders are arrested and given these mandatory minimum sentences, they are simply replaced by other low-level dealers. The strategy does not work in making us safer, but it is costing us so much money.

This is contrary to the original vision of mandatory minimums. They were created to go after serious drug traffickers and kingpins. The U.S. Sentencing Commission found that mandatory minimums are often applied too broadly, set too high, and—what is worse—that they are unevenly applied. In other words, people who can afford lawyers, people who have resources and means, can fight against those laws, and people who cannot afford the best defense often are the ones who get mandatory minimums.

Who is going to get mandatory minimums? People on college campuses, such as the one I attended, or people in the city I now call home.

Understand this: The amendment that is being proposed reflects the old strategies that haven't won the war on drugs but, in many cases, have actually made things worse, especially by diverting so much money into our prison system and away from strategies in our communities, such as treatment and law enforcement, which we know work.

What have these laws done? They have caused an 800-percent increase in our Federal prison population over the last 30 years. What have these laws done? They have imprisoned too many nonviolent Americans for decades for nonviolent, low-level drug crimes.

What have these laws done? They have imprisoned people such as Sherman Chester, who with two prior nonviolent drug arrests was convicted and sentenced to life in prison for a third nonviolent drug crime. At his sentencing, Mr. Chester's judge said: ''This man doesn't deserve a life sentence, and there is no way that I can legally keep from giving it to him.''

What have these laws done? They have imprisoned mothers such as Alice Johnson, who, after losing her job and filing for bankruptcy, began to associate with people involved in drug dealing. She was arrested for her participation in transporting drugs as a go-between. When 10 of her coconspirators testified against her for reduced charges, she was sentenced to life in prison without parole for 25 years for that nonviolent drug crime.

What have these laws done? They have imprisoned people like Dicky Jackson, a father who was so desperate to save his 2-year-old child who needed a bone marrow transplant that, after exhausting his options—including community fundraisers—he began transporting meth in his truck. A year into his work, he was arrested for selling a half pound of meth to an undercover officer. He was found guilty of possession

with intent to distribute and was given three life sentences without parole.

The Federal prosecutor assigned to Mr. Jackson's case remarked: ''I saw no indication that Mr. Jackson was violent, that he was any sort of large-scale narcotics trafficker, or that he committed his crimes for any reason other than to get money to care for his gravely ill child.''

What these laws have done is make sure that these nonviolent offenders and too many more like them will die in prison for their crimes—taking money from our communities and imprisoning people into their fifties, sixties, and seventies for nonviolent crimes. They are redirecting taxpayer dollars from strategies in our neighborhoods, in our cities, and in communities that we know work and will actually get to the problem of drug abuse. Our system hasn't empowered people. It hasn't empowered them to deal with addictions. It hasn't empowered them to deal with mental health challenges. Our system, as it stands, hasn't empowered us to do the things we know make us safer.

This has been punishment without proportionality, retribution without reason, and a gross taxpayer expense that takes away money that could be invested in public safety and our community well-being.

If the failed war on drugs, the Anti-Drug Abuse Act of 1986, and the Violent Crime Control and Law Enforcement Act of 1984 have taught us anything, it is that locking more people up for longer and longer sentences for low-level drug crimes at the expense of billions and billions of taxpayer dollars does not curb drug use and abuse. These laws didn't work then. Why are we proposing new ones now?

There is a different way. More mandatory minimum sentences won't impact the fentanyl opioid problem. The mandatory minimums being proposed for low-level drug offense are not going to accomplish what the amendment supporters hope it will. It is a facade that makes people feel like they are doing something about the problem, but they are not making a difference.

What they will do is throw more taxpayer dollars at our Bureau of Prisons, expanding that bureaucracy and draining money—taxpayers' money—from solutions that we know will work.

What is stunning to me, what is actually deeply frustrating to me is that we have two pieces of bipartisan legislation, one that has passed without enough funding and one that has yet to be brought up for a vote that would address this epidemic and the broken criminal justice system.

Instead of turning to bipartisan legislation that is going through regular order and investing in strategies that this body, in a bipartisan fashion, has agreed with near unanimity would work, we are now considering an amendment that would spend more money on imprisoning low-level offenders for longer and longer sentences.

Earlier this year, the Senate passed the Comprehensive Addiction and Recovery Act of 2015, also known as CARA. It is a bipartisan bill that would allow the Attorney General to award grants to address the opioid epidemic and expand prevention and education efforts.

I was pleased to cosponsor that bill, but unfortunately the amendment that would have provided funding for the programs and grants in this bill failed to pass. The bill that went forward had the right intentions, but an unwillingness in this body to provide robust funding means that it simply won't address the epidemic adequately. That is what is frustrating to me. The Members of this body who refused to increase funding for preventive and treatment measures through CARA now want to divert taxpayer resources towards putting people in jail for longer and longer sentences for low-level, nonviolent crimes. That makes no sense—to spend millions of more dollars to lock up low-level offenders and starve the programs that local leaders all over this country are asking for, such as treatment, education, and local law enforcement.

If properly funded, CARA would expand prevention initiatives, would expand education efforts, and would curb abuse and addiction, hitting our Nation's problem at its heart—at its demand—and helping addicts with what they need—treatment, not more jail. It would expand the availability of naloxone to law enforcement. It would increase resources to identify and treat incarcerated Americans suffering from drug addiction. It would increase disposal sites for unwanted prescription medications and would promote best practices for evidence-based opioid and heroin treatment and prevention all over our country.

This bipartisan bill had wisdom in it. It was sensible, commonsense, and based on evidence-based strategies.

But now, here we are, not talking about investing in what we know will work but suggesting that we do things that have proven over the last two decades not only not to work but to drain taxpayer dollars and to do more harm. We are considering an amendment that would use taxpayer resources not to do the things I just listed that are underfunded right now but would spend money on incarcerating low-level drug offenders because of unwise increases of mandatory minimum sentences.

The fact is the opioid epidemic is not a problem we can jail our way out of. We already have mandatory minimum sentences in place for heroin and fentanyl offenses, and they haven't done what they were created to do—to prevent an epidemic such as this from occurring. What this amendment does is to double down on that failing strategy.

In fact, for over a year, Senate Judiciary Committee members on both sides of the aisle have worked on crafting a bill, the Sentencing Reform and Corrections Act, which would take meaningful steps toward undoing so much of the damage these failed policies have caused over the past decades. That bipartisan criminal justice reform legislation, which worked through regular order and would reduce mandatory minimum penalties and give judges more discretion at sentencing, has been pending on the Senate floor for over 7 months now without Senate action.

The bill followed regular order. It moved through a hearing and a markup. It took in testimony from dozens of experts and organizations. It was adjusted and amended with input from law enforcement officers, attorneys general, prosecutors, civil rights leaders, and local elected leaders. It passed out of the committee. It was then, because of input from other Republican Senators, changed again and modified. Now, this baked bill is fully ready for a vote on the floor. If given that vote, it would most likely get a super majority in this body.

But today, instead of moving forward on that bipartisan, compromise piece of legislation—which would start to fix the failed drug policies of the 1980s and 1990s, which would save us money, which would help us right past wrongs, which would create resources through its savings that could be used for the Comprehensive Addiction and Recovery Act—we are now considering an amendment that would actually build on the mistakes of the past and divert money from the solutions we know work today.

So again I say that I am frustrated, I am angry, and I am beginning to grow disheartened by the current state of affairs. The amendment being proposed and its potential consequences are what a growing consensus in the Senate from both sides of the aisle and especially thoughtful leaders around the country from all sides of the political spectrum—this is exactly what we have been fighting against. My frustration is that instead of looking to take a step forward with the current bipartisan legislation, we are looking to take a step back into the mistakes of the 1980s and 1990s. Instead of learning from the mistakes of the past, we are damning ourselves to make them again.

Since arriving in the Senate 2½ years ago, I have been encouraged by the momentum building around this comprehensive criminal justice reform legislation. I felt encouraged that hope has been dawning. It has been one of my more affirming experiences as a public leader. During the 2½ years I have been in the Senate, many of my colleagues on both sides of the aisle have been negotiating over this issue in good faith, and actually for a time even before I was here they were working hard on criminal justice reform.

This comprehensive criminal justice reform bill would address so many of the issues that have been agreed to on both sides of the aisle. It would address a system that does not make our communities safer but instead wastes the

potential of millions of Americans and drains billions, trillions of taxpayer resources over time.

What we have in the Senate is amazing. It has been incredible to see. We have Senators as different from each other on the political pole as Senator LEAHY and Senator GRASSLEY, with other Democrats and Republicans, from the most liberal to the most conservative in this body, coming together to craft a measured bill that would begin to fix our deeply broken criminal justice system. This result, the Sentencing Reform and Corrections Act, would enable prosecutors and judges to maintain critical tools for prosecuting violent offenders and high-level drug traffickers while reducing mandatory minimums and life-without-parole sentences for nonviolent drug offenders.

In addition, the bill actually includes a provision related to fentanyl—not one that I necessarily believe in or believe is most effective, but it was included in the bill as a compromise measure.

This critical piece of legislation has the support of dozens of civil rights groups and faith groups, Christian evangelicals and law enforcement and prosecutor groups, including well-respected organizations such as the Major County Sheriffs' Association, the International Association of Chiefs of Police, and the National District Attorneys Association. From law enforcement to faith-based leaders, civil rights activists, and fiscal conservative organizations, so many have come together and are being led in many cases by law enforcement officials because they know this bill is actually smart public safety policy. This bill has the support of law enforcement leaders, including former President George Bush's U.S. Attorney General, Michael Mukasey; former FBI Director Louie Freeh; and the U.S. Department of Justice.

In a letter to Senate leadership, former U.S. Attorney Michael Mukasey, with former Director Bill Sessions and dozens of former Federal judges and U.S. attorneys, shared what they believe the Sentencing Reform and Corrections Act can do. They said it ''is good for Federal law enforcement and public safety. It will more effectively ensure that justice shall be done.''

Groups like Law Enforcement Leaders to Reduce Crime and Incarceration, which represent more than 160 current and former police chiefs, U.S. attorneys, and district attorneys, have spoken out in support of this bill, arguing:

> This is a unique moment of rare bipartisan consensus on the urgent need for criminal justice reform. As law enforcement leaders, we want to make it clear where we stand: Not only is passing Federal mandatory minimum reform necessary to reduce incarceration, it is also necessary to help law enforcement continue to keep crime at historic lows across the country. We urge Congress to pass the Sentencing Reform and Corrections Act.

Contrary to what the few opponents argue, this act would preserve certain mandatory minimum sentences for drug offenders. It would also more effectively target these mandatory minimums toward high-level drug traffickers and violent criminals. Federal drug laws were meant to go after these kingpins, and this legislation leaves important tools in place that allow prosecutors to go after them.

Also, contrary to what the few opponents of this bill argue, the bill would not open the floodgates and permit violent offenders to be let out of prison early; rather, each case must go in front of a Federal judge, where the prosecutor will be present, for that independent judicial review.

Experts from the National Academy of Sciences to the National Research Council have found that lengthy prison sentences have a minimal impact on crime prevention.

The profound thing about this bill is that it is not breaking new ground. This is now becoming common knowledge around the States. In fact, it is being followed and led by many red States in our Nation. In fact, States have shown that we can reduce the prison population, save taxpayers millions and billions of dollars, and also reduce crime. Texas, for instance, between 2007 and 2012, reduced its incarceration rate by 9 percent and saw its total crime drop by 16 percent. If Texas—a State known for law and order and being tough on crime—can enact sweeping measures to reform its criminal justice system, so can we at the Federal level. That is why I am proud that one of the sponsors of the bill is the Republican Whip from Texas, Senator CORNYN.

But there are other States—California, Connecticut, Delaware, Georgia, Maryland, Michigan, Nevada, Massachusetts, North Carolina, South Carolina, Utah, and New Jersey. All these States have lowered their prison populations through commonsense reforms and—surprise, surprise—have seen crime drop. These States have enacted reforms because it is good for public safety and it saves needed taxpayer dollars that can be reinvested in public safety strategies that actually make us safer. Remember, these are Republican-led States and Democratic-led States, Governors from the right and the left.

There is a great conservative organization called Right on Crime. This is what they had to say about public safety and criminal justice reform:

> Taxpayers know that public safety is the core function of government, and they are willing to pay what it takes to keep communities safe. In return for their tax dollars, citizens are entitled to a system that works. When governments spend money inefficiently and do not obtain crime reductions commensurate with the amount of money being spent, they do taxpayers a grave disservice.

It is worth repeating that line: ''Citizens are entitled to a system that works.''

You see, this is not a partisan issue; it is an American issue. There is a chorus calling for reform across the political spectrum. Everyone from Republican candidates for President to conservative groups, such as Koch Industries and Americans for Tax Reform, have come out in support of criminal justice reform and this bill. That is why some Republicans like Grover Norquist and George Martin have written:

> Some Republicans who have not focused on our successes in the states think we are still living back in the 1980s and also believe that ''lock them up'' is a smart political war cry. . . . Wasting money is not a way to demonstrate how much you care about an issue.

That is why people like Marc Levin, the founder of Right on Crime, have shared that ''the recent successes of many states in reducing crime, imprisonment, and costs through reforms grounded in research and conservative principles provide a blueprint for reform—at the Federal level.''

Former Governor Mike Huckabee said:

> I believe in law and order. I also believe in using facts, rather than fear, when creating policy. And, I believe in fiscal responsibility. Right now, our criminal justice system is failing us in all three camps.

Republicans and Democrats from across the political spectrum have come together because they realize our failures to fix this system have simply cost us too much already. Everyone knows that the first rule of holes is that when you find yourself in one, stop digging. That is why this amendment is so frustrating—because it seeks to dig us deeper into a hole. Look at the financial costs we are already paying. In 2012, the average American taxpayer was contributing hundreds of dollars a year to corrections expenditures, including the incarceration and monitoring and rehabilitation of prisoners.

A report from the Center of Economic Policy Research concluded that in 2008 alone, formerly incarcerated people's employment losses—keeping people in for decades and decades—cost our economy the equivalent of 1.5 to 1.7 million workers or $57 billion to $65 billion annually. And it is estimated that the U.S. poverty rate between 1980 and 2004 would have been 20 percent lower if it had not been for all this mass incarceration. This is a lot of money we are spending keeping people behind bars—nonviolent offenders—and it is taking a significant financial toll in our country. We could be investing this money better.

By passing this bipartisan Sentencing Reform and Corrections Act, the CBO told us that this one bill alone that takes modest steps toward criminal justice reform will save an estimated $318 million in reduced prison costs over the next 5 years and $722 million over the next 10 years. Doing the right thing creates savings that we can then invest in strategies to make ourselves safer or give back to the taxpayers.

Please understand that we have paid dearly for our mistakes. For example, from 1990 to 2005, a new prison opened every 10 days in the United States, making us the global leader in this infrastructure investment. A new prison opened every 10 days in the United States to keep up with the massive explosion in incarcerations. Imagine the roads and bridges and railways we could have been investing in during that time. As our infrastructure has been crumbling over the last three decades, the one area of infrastructure that has been ballooning was gleaming new prisons to actually incarcerate overwhelmingly nonviolent offenders. Imagine the investments we could have made in lifesaving research, innovative technologies, science and math funding. Instead, we extended mandatory minimums again and again and again for low-level drug offenders.

The United States must be the leader around the globe for liberty and justice. Unfortunately, the United States now leads the world in a vastly more dubious distinction: the number of people we incarcerate. We only have 5 percent of the world population—only 5 percent—but one out of four imprisoned people on planet Earth is here in the United States. Again, the majority of those people are nonviolent offenders. The U.S. incarceration rate is 5 to 10 times that of many of our peer countries.

The financial cost, the dollars wasted, are only part of the story, though. We are actually paying for our system's failures in innumerable ways. The hidden financial costs of our broken prison system mirror the hidden social costs that befall families of those incarcerated, with 1 in 28 American children—or 3.6 percent of American kids—growing up with a parent behind bars. Just 25 years ago, it was 1 in 125 American children. I recently saw that ''Sesame Street'' has started programming specifically aimed at helping kids with parents in prison because there are now so many of them. Over half of imprisoned parents were the primary earners for their children prior to their incarceration. What is more, a child with an incarcerated father is more likely to be suspended from school than a peer without an incarcerated father—23 percent compared to 4 percent.

Our rush to incarcerate as a response to many of our societal problems has now created a stunning distinction. According to a new report from the Center for American Progress, close to half of all children in America are growing up with a parent with a criminal record.

Our system often entraps the most vulnerable Americans. We are entrapping people who often are in need of incarceration but treatment and medical help, putting those vulnerable populations in jail for longer and longer periods. In fact, now many of our prisons serve as warehouses for the mentally ill. Serious mental illness affects an estimated 14.5 percent of men and 31 percent of all the women in our jails. Between 25 and 40 percent of all mentally ill Americans will be jailed or incarcerated at some point in their lives, and 65 percent of all American inmates meet the medical criteria for the disease of addiction, many of them not getting the treatment they need but just getting more incarceration.

Today we live in a country where in many ways the words of Bryan Stevenson are also true. This idea of equal justice under the law is challenged by the facts of our criminal justice system. As Bryan Stevenson said, we live in a nation where you get treated better if you are rich and guilty than if you are poor and innocent. Over 80 percent of Americans who are charged with felonies are poor and deemed indigent by our court system.

Our criminal justice system doesn't disproportionately affect just the mentally ill, the addicted, and the poor; it also disproportionately impacts people of color. We know that there is no deeper proclivity to commit drug crimes among people of color, but there is a much deeper reality that the drug laws affect people of color in a different way. For example, Blacks and Whites have no difference in using or selling drugs. There is no statistical difference. In fact, right now in America, some studies are showing that young White men have a slightly higher rate of dealing drugs than young Black men. But Blacks are 3.6 times more likely to get arrested for selling drugs. Latinos are 28 percent more likely than Whites to receive a mandatory minimum penalty for Federal offenses punished by such penalties. A 2011 report found that more than any other group, Latinos in America were convicted at a higher rate of offenses that carried a mandatory minimum sentence. And Blacks are also 21 percent more likely to receive a mandatory minimum sentence than Whites facing similar charges. Black men are given sentences about 20 percent longer than White men for similar crimes. And Native Americans are grossly overrepresented in our criminal justice system, with an incarceration rate 38 percent higher than the national average.

Because minorities are more likely to be arrested for drug crimes even though the rates are not different in usage of drugs or selling of drugs, they are more—disproportionately—likely, therefore, to lose their voting rights, thus resulting in stunning statistics. Today, 1 in 13 Black Americans is prevented from voting because of felony disenfranchisement. Black citizens are four times more likely to have their voting rights revoked than someone who is White.

Those are statistics befitting a different era in American history, but unfortunately they reflect our current circumstances.

So here we find ourselves. I have been talking about this issue for my entire time in the Senate. Many of my colleagues have been working on this issue longer. I have been so encouraged that literally my first policy conversation on the Senate floor right after being sworn in right there by the Vice President of the United States—I walked back toward the back of the room and was met by colleagues who talked to me about this issue. I am so glad there is this growing consensus, but I am frustrated that an amendment is potentially coming to the floor that takes us backward while so much work has gone on to move this body ahead.

I have come to believe in this body. I worked hard to become a Member of the Senate because I believe in the Senate and the power of this institution to do great things. In fact, it is the result of the great good of this body and the labor and struggles of so many Americans that I am even here in the first place, so many Americans fighting for issues that this body helped to change. From equal housing rights, to voting rights, to civil rights, this body has made us a fairer and more just Nation. This body has made our country the shining light on planet Earth for liberty and justice. This body, with so many committed Americans through so many generations, has so much to be proud of.

I am so encouraged by colleagues on both sides of the aisle, that despite the partisanship and cynicism this body often generates, we have found common ground to advance the common good around our criminal justice system. We have a crisis in that system, but I am proud there is movement to address that.

I urge my colleagues to consider the profound potential we have to advance our Nation, to deal with the opioid crisis, the drug crisis, and the crime crisis with smart and effective policies that have proven to work already at the State level.

I urge my colleagues to resist the seductive temptation to claim to be tough on crime when in reality we are just wasting taxpayer dollars on a failed fiction that obscures the true urgency of the day.

Finally, I urge the leadership of this body to not let this amendment reflecting failed policy of the past to the floor and instead move to bring forward a bipartisan, widely supported bill that will address the current crisis. We can no longer hesitate or equivocate, and we can definitely not afford to retreat. Wasting more time is not the answer. The time is now, and, I confess, I am losing patience.

While I am encouraged by leaders like the chairman of the Judiciary Committee and the ranking member of that committee, while I am encouraged by the fact that the majority whip and the Democratic Whip are on this bill, while I am encouraged by the fact that likely a supermajority of support exists for this bill, I am growing impatient that it has not come to a vote yet. There is nothing as painful as a

blockage at the heart of justice, blocking the flow of reason, of commonsense, fairness, and urgently needed progress.

But the pain and frustration I might feel is minimal compared to those who are suffering under the brunt of a broken system. We cannot be deaf to the cries for justice of families and children, those suffering addictions, those suffering from mental illness, and those whose families have been torn apart by such misfortunes. We cannot be mute or silent in the face of injustice, those of us who are elected to serve all Americans.

At the beginning of each day, we swear an oath in this body. We pledge allegiance to those ideals of liberty and justice. Let us now act so we do not betray the moral standing of our Nation.

I urge the Senate leadership to bring the Sentencing Reform and Corrections Act for a vote. The time is right now to do what is right now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Reed amendment No. 4549.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reed amendment No. 4549 to the McCain amendment No. 4229 to S. 2943, the National Defense Authorization Act.

Harry Reid, Jack Reed, Richard J. Durbin, Michael F. Bennet, Charles E. Schumer, Patty Murray, Richard Blumenthal, Jeff Merkley, Jeanne Shaheen, Al Franken, Gary C. Peters, Bill Nelson, Barbara Boxer, Robert Menendez, Sheldon Whitehouse, Amy Klobuchar, Barbara A. Mikulski.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the McCain amendment No. 4229.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the McCain amendment No. 4229 to S. 2943, an act to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

John McCain, John Cornyn, Marco Rubio, Roger F. Wicker, Richard Burr, James M. Inhofe, Pat Roberts, Tom Cotton, Thom Tillis, Roy Blunt, Shelley Moore Capito, Dan Sullivan, Lindsey Graham, Lisa Murkowski, David Vitter, Mitch McConnell.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls with respect to the cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

100TH ANNIVERSARY OF THE RESERVE OFFICERS' TRAINING CORPS

Mr. MCCONNELL. Mr. President, I wish to commemorate the 100th anniversary of the Reserve Officers' Training Corps, or ROTC, the Nation's training program for commissioned officers of the U.S. Armed Forces. Founded in 1916, ROTC prepares young adults to be leaders in our Nation's Army, Navy, Air Force, and Marines. ROTC cadets commit to serving their country in uniform after college graduation in exchange for ROTC assisting with costs associated with their college education.

Although military training took place at civilian colleges and universities in the 19th century, it was not until the National Defense Act of 1916, signed by President Woodrow Wilson, that this training was consolidated under a single entity: the Reserve Officers' Training Corps. ROTC is the largest officer-producing organization within the U.S. military.

In 100 years of history, ROTC has commissioned more than 1 million military officers. The U.S. Army ROTC program started in 1916 with just 46 initial programs, and today it has commissioned more than 600,000 officers at almost 1,000 schools across the Nation, with a presence in every State, as well as Guam and Puerto Rico.

In 2016, Army ROTC has an enrollment of more than 30,000 and produces over 70 percent of the second lieutenants who join the Army, Army National Guard, and U.S. Army Reserve.

Army ROTC is one of the most demanding and strenuous leadership training programs a young person can choose today. ROTC training molded and shaped six Chiefs of Staff of the Army, two Chairmen of the Joint Chiefs of Staff, a current Supreme Court Justice, the current Governor of Kentucky, as well as countless other leaders in government, business, science, sports, and the arts.

For decades, Army ROTC has conducted summer training for many cadets at Fort Knox, KY. In 2013, I was pleased to help Army ROTC get an ROTC training program called the Cadet Leader Course relocated to Fort Knox as well. More than 6,000 cadets attend that particular leadership course at Fort Knox every year since the installation began hosting the program in 2014. In all, over 10,000 cadets attend various summer training courses each year at Fort Knox.

ROTC serves as a vital introduction to life and a career in the military for America's young men and women. Supporting our Armed Forces means supporting ROTC programs at institutions across the country. ROTC creates America's next generation of leaders, in the Armed Forces, and in American life.

I know my colleagues join me in commemorating the 100th anniversary of the creation of our military's ROTC and in thanking the hundreds of thousands of brave cadets who have successfully completed the challenges of the program and gone on to become officers. We are certainly grateful for their service and their sacrifice. Without ROTC, our Nation's military would not be the superior fighting force that is today. I am proud that Kentucky plays a significant role in the training of ROTC cadets.

FRANK R. LAUTENBERG CHEMICAL SAFETY FOR THE 21ST CENTURY ACT

Mr. LEAHY. Mr. President, the Senate's final passage today of the bipartisan Frank R. Lautenberg Chemical Safety for the 21st Century Act, after 3 years of difficult negotiations, reflects the true nature of compromise. I am glad that we have finally come to an agreement to update our country's ineffective and outdated chemical regulatory program. While this is not a perfect bill, I believe that it goes a long way towards protecting American families from dangerous chemicals and serves as a fitting tribute to Senator Lautenberg, who was a tireless public health advocate.

This legislation overhauls the 40-year-old, outdated Toxic Substances Control Act and will bring more than 64,000 chemicals under the review of the U.S. Environmental Protection Agency, EPA. Under the old law, the EPA was required to approve chemicals using a burdensome and ineffective economic cost-benefit analysis, but this reform bill will require the EPA to make a decision based solely? on health and safety concerns. Additionally, the Lautenberg act gives the EPA enhanced authority to require testing of both new and existing chemicals, requiring safety reviews for all chemicals in active commerce and a safety finding for new chemicals before they are allowed on the market.

The House bill originally included a provision preempting State authority to regulate specific chemicals. State preemption is a significant concern for Vermont, especially with the discovery of perfluorooctanoic acid, PFOA, contaminated water in the communities of North Bennington and Pownal. Unfortunately, due to shortcomings in the 1976 Toxic Substances Control Act, PFOA was one of many chemicals that had been presumed safe without any requirement for testing or review. While